

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Sarah Rebecca Tyndall

Registered Nurse License No. 654129

Case No. 2011-700

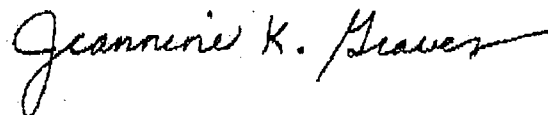
Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **September 17, 2011**.

IT IS SO ORDERED **August 18, 2011**.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **SARAH REBECCA TYNDALL**
14 **5235 Diamond Heights Blvd., #311**
15 **San Francisco, CA 94131**
16 **Registered Nurse License No. 654129**

17 Respondent.

Case No. 2011-700

OAH No. 2011031163

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. LOUISE R. BAILEY, M.ED., RN (Complainant) is the Executive Officer of the
22 Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 Susana A. Gonzales, Deputy Attorney General.

25 2. Respondent Sarah Rebecca Tyndall (Respondent) is representing herself in this
26 proceeding and has chosen not to exercise her right to be represented by counsel.
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3. On or about March 8, 2005, the Board of Registered Nursing issued Registered Nurse License No. 654129 to Sarah Rebecca Tyndall (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2011-700 and will expire on December 31, 2012, unless renewed.

JURISDICTION

4. Accusation No. 2011-700 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 10, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2011-700 is attached as exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2011-700. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2011-700.

1 9. Respondent agrees that her Registered Nurse License is subject to discipline and she
2 agrees to be bound by the Board of Registered Nursing (Board)'s Disciplinary Order as set forth
3 below.

4 CIRCUMSTANCES IN MITIGATION

5 10. Respondent Sarah Rebecca Tyndall has never been the subject of any disciplinary
6 action. She is admitting responsibility at an early stage in the proceedings.

7 CONTINGENCY

8 11. This stipulation shall be subject to approval by the Board of Registered Nursing.
9 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
10 Registered Nursing may communicate directly with the Board regarding this stipulation and
11 settlement, without notice to or participation by Respondent. By signing the stipulation,
12 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
13 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
14 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for
15 Public Repeval shall be of no force or effect, except for this paragraph, it shall be inadmissible in
16 any legal action between the parties, and the Board shall not be disqualified from further action
17 by having considered this matter.

18 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
19 and Disciplinary Order for Public Repeval, including facsimile signatures thereto, shall have the
20 same force and effect as the originals.

21 13. This Stipulated Settlement and Disciplinary Order for Public Repeval is intended by
22 the parties to be an integrated writing representing the complete, final, and exclusive embodiment
23 of their agreement. It supersedes any and all prior or contemporaneous agreements,
24 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
25 Settlement and Disciplinary Order for Public Repeval may not be altered, amended, modified,
26 supplemented, or otherwise changed except by a writing executed by an authorized representative
27 of each of the parties.

1 14. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order:


4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Registered Nurse License No. 654129 issued to
6 Respondent Sarah Rebecca Tyndall (Respondent) shall, by way of letter from the Board's
7 Executive Officer, be publicly reprovod. The letter shall be in the same form as the letter attached
8 as exhibit B to this stipulation.

9 **ACCEPTANCE**

10 I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reapproval.
11 I understand the stipulation and the effect it will have on my Registered Nurse License. I enter
12 into this Stipulated Settlement and Disciplinary Order for Public Reapproval voluntarily,
13 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
14 Registered Nursing.

15
16 DATED: 6/13/11



SARAH REBECCA TYNDALL
Respondent

ENDORSEMENT

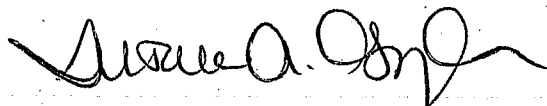
The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated:

6/15/11

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General



SUSANA A. GONZALES
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2011-700

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-700*

13 **SARAH REBECCA TYNDALL**
14 **5235 Diamond Heights Blvd., #311**
15 **San Francisco, CA 94131**
16 **Registered Nurse License No. 654129**

A C C U S A T I O N

Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about March 8, 2005, the Board of Registered Nursing issued Registered Nurse
23 License Number 654129 to Sarah Rebecca Tyndall (Respondent). The Registered Nurse License
24 was in full force and effect at all times relevant to the charges brought in this Accusation and will
25 expire on December 31, 2012, unless renewed.

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1 COST RECOVERY

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 FIRST CAUSE FOR DISCIPLINE
(Unprofessional Conduct – Out of State Discipline)
7 (Bus. & Prof. Code §2761(a)(4))

8 9. Respondent has subjected her registered nurse license to disciplinary action under
9 Code section 2761, subdivision (a)(4), in that on or about October 22, 2008, in a disciplinary
10 action before the Louisiana State Board of Nursing (Louisiana Board), the Louisiana Board
11 entered an Order approving and accepting the Consent Order between Respondent and the
12 Louisiana Board and also reprimanding Respondent's registered nurse license. The Consent
13 Order required Respondent to: (1) within four months, submit written evidence of completion of
14 30 hours of Louisiana Board-approved continuing education hours; (2) within six months, submit
15 a \$1,500 fine; (3) within three months, submit \$200 to the Louisiana Board; and (4) not have any
16 misconduct, criminal violations, or violations of any health care regulations reported to the Board.

17 10. The underlying conduct supporting the Louisiana Board's disciplinary action is that
18 on or about June 23, 2008, the Louisiana Board and Respondent entered a Consent Order.
19 Pursuant to the Consent Order, Respondent admitted that on or about February 16, 2008, while
20 Respondent was employed as a registered nurse with Cross Country Staffing and assigned to
21 Baton Rouge General Medical Center, she failed to appropriately document on parts one through
22 four of the "24-hour Restraint/Seclusion Flow Sheet." Furthermore, Respondent documented
23 nursing care on a restrained patient beginning on or about February 17, 2008, until approximately
24 7 a.m. on or about February 18, 2008, although the patient expired on February 17, 2008, at
25 approximately 11:30 p.m. Lastly, on or about February 17, 2008, Respondent discarded portions
26 of the medical record in the destruction bin. The Louisiana Board concluded that Respondent
27 failed to complete restraint documentation, pre-charted restraint documentation, and placed
28 portions of the restraint documentation in a destruction bin.

SECOND CAUSE FOR DISCIPLINE
(Unprofessional Conduct – Out of State Discipline)
(Bus. & Prof. Code §2761(a)(4))

11. Complainant hereby incorporates the allegations set forth in paragraphs 9 and 10 above, and incorporates them as if fully set forth.

12. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about January 23, 2009, in a disciplinary action before the Texas Board of Nursing (Texas Board), the Texas Board entered an Agreed Order sanctioning Respondent with remedial education. The Agreed Order required Respondent to: (1) comply in all respects with the Nursing Practice Act; (2) within one year of entry of the Agreed Order, complete a Texas Board-approved course in Texas nursing jurisprudence and ethics for a minimum of six contact hours; (3) cause the Louisiana Board to submit quarterly reports indicating Respondent's compliance with the Louisiana Board's Order; and (4) cause the Louisiana Board to submit evidence of Respondent's compliance and completion of the terms of the Louisiana Board's Order.

13. The underlying conduct supporting the Texas Board's disciplinary action is that on or about June 23, 2008, Respondent's Louisiana registered nurse license was reprimanded by the Louisiana Board.

PRAAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 654129, issued to Sarah Rebecca Tyndall;

2. Ordering Sarah Rebecca Tyndall to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: February 10, 2011

Louise R. Bailey
for LOUISE R. BAILEY, M.Ed., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit B

Letter of Public Reproval in Case No. 2011-700



BOARD OF REGISTERED NURSING

PO Box 944210, Sacramento, CA 94244-2100

P (916) 322-3350 F (916) 574-8637 | www.rn.ca.gov

Louise R. Bailey, MEd, RN, Executive Officer



August 18, 2011

Sarah Rebecca Tyndall
5235 Diamond Heights Blvd., #311
San Francisco, CA 94131

Re: LETTER OF PUBLIC REPROVAL
In the Matter of the Accusation Against: Sarah Rebecca Tyndall
Registered Nurse License No. 654129

Dear Ms. Tyndall:

On February 10, 2011, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation against your Registered Nurse License. The Accusation alleged that you engaged in unprofessional conduct in violation of Business and Professions Code section 2761, subdivision (a)(4), in both 2008 and 2009. Specifically, on or about October 22, 2008, the Louisiana State Board of Nursing entered a disciplinary order against your Louisiana registered nurse license requiring you to complete 30 hours of continuing education courses. The Louisiana Board's disciplinary order was based upon your conduct in February 2008, when you failed to complete restraint documentation, pre-charted restraint documentation, and placed portions of the restraint documentation in a destruction bin. On or about January 23, 2009, the Texas Board of Nursing entered a disciplinary order against your Texas registered nurse license, sanctioning you with remedial education and requiring you to submit evidence of your compliance with the Louisiana Board's disciplinary order. The Texas Board's disciplinary order was based upon the Louisiana Board's disciplinary order.

Taking into consideration the fact that you have been licensed by the California Board since 2005 without any prior disciplinary action and you have fully complied with the Louisiana Board's and Texas Board's disciplinary orders, as well as other mitigating circumstances, the Board has determined that you are safe to practice registered nursing and that the charges alleged in the Accusation warrant a public reprimand.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs